



35.C14023

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
TAMAKI KOBAYASHI ET AL.) Examiner: A. Patel
Application No.: 09/440,535) Group Art Unit: 2879
Filed: November 16, 1999)
For: SUBSTRATE FOR ELECTRON)
SOURCE, ELECTRON SOURCE)
AND IMAGE FORMING)
APPARATUS, AND MANU-)
FACTURING METHOD THEREOF) November 21, 2001

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

Sir:

In the Office Action dated October 23, 2001, the Examiner required restriction between the following groups of claims:

I. Group I (Claims 1-22), allegedly drawn to a product, classified in class 313, subclass 495; and

II. Group II (Claims 23-31), allegedly drawn to a method, classified in class 445, subclass 25.

The Examiner also required that, if Group I is elected, an election must be made of one of the following species:

A. Species I, allegedly directed to a substrate structure as recited in Claims 2-5 and Claims 10-19 depending thereon; and

B. Species II, allegedly directed to a substrate structure as recited in Claims 6-9 and Claims 10-19 depending thereon.

Accordingly, Applicants provisionally elect, with traverse, Group I (Claims 1-22), and Species I for initial prosecution on the merits. It is believed that Claims 2-5 and 10-19 read on the elected Species I.

With regard to the traversal, Applicants note that the Office Action does not explain at all why the Examiner believes Species I and II should be subjected to an election requirement, and does not even explain why the Examiner apparently believes those species to be independent or distinct. The Office Action also does not clearly identify each species, other than stating that Species I is directed to a substrate structure as recited in Claims 2-5 and dependent Claims 10-19, and Species II is directed to a substrate structure as recited in Claims 6-9 and dependent Claims 10-19. Neither does the Office Action set forth any reasons why those species could not otherwise be conveniently identified (see MPEP §§ 806 and 809.02(a)(B)).

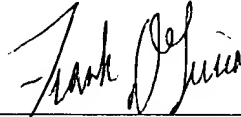
For these reasons, it is believed that the Office Action has failed to set forth sufficient reasons for establishing why at least the election of species should be required. Accordingly, reconsideration and withdrawal of at least the election of species requirement are respectfully requested.

In any event, an early and favorable action on the merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by

telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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